

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE UNISYS CORPORATION RETIREE  
MEDICAL BENEFITS ERISA LITIGATION

MDL DOCKET NO. 969

THIS DOCUMENT RELATES TO:

<u>Romano</u>	No. 92-6938
<u>Bennett</u>	No. 93-1668
<u>Mercure</u>	No. 93-3838
<u>Adair</u>	No. 03-3924
<u>Albert</u>	No. 04-106
<u>Doherty</u>	No. 04-107

**STIPULATION AND ORDER RE: DISMISSAL OF  
ROMANO, BENNETT, MERCURE, ADAIR, ALBERT,  
AND DOHERTY ACTIONS AND CLOSURE OF MDL NO. 969**

WHEREAS, by Order dated February 4, 2003, the Court granted the motion of defendant Unisys Corporation to decertify the remaining claims of the Burroughs Class and Unisys Class;

WHEREAS, the Court ordered that the statutes of limitations that would apply to the ERISA breach of fiduciary duty claims of each former member of the Burroughs Class and Unisys Class which were pending at the time of decertification in the above captioned actions were tolled during the period February 4, 2003 to and including to January 16, 2004;

WHEREAS, on July 1, 2003, plaintiffs filed and served a Complaint in *Adair, et al. v. Unisys Corporation*, No. 03-CV-3924, and amended that complaint on January 9, 2004, and filed and served Complaints in *Albert, et al. v. Unisys Corporation*, No. 04-CV-106, and *Doherty, et al. v. Unisys Corporation*, No. 04-CV-107 on January 9, 2004, on behalf of certain former members of the Burroughs Class;

WHEREAS, on July 1, 2003 plaintiffs filed and served a Complaint in *Aamodi, et al. v. Unisys Corporation*, No. 03-CV-3925, and amended that complaint on January 16, 2004, and

filed and served a Complaint in *Abersold, et al. v. Unisys Corporation*, No. 04-CV-202 on January 16, 2004, on behalf of certain former members of the Unisys Class; and

WHEREAS, the claims of all other plaintiffs who were litigants in the *Romano*, No. 92-CV-6938, *Bennett*, No. 93-CV-1668, and *Mercure*, No. 93-CV-3838, actions were provided mailed notice in 2003 that if they wished to continue litigating their ERISA breach of fiduciary duty claims relating to their post-retirement medical benefits against Unisys Corporation they were required to join the *Adair*, *Albert*, *Doherty*, *Aamodt* or *Abersold* actions;

WHEREAS, the claims of all plaintiffs with unresolved claims who were litigants in the *Romano Bennett* and *Mercure* actions are now being, or were asserted and litigated in, the *Adair*, *Albert*, *Doherty*, *Aamodt* or *Abersold* actions;

WHEREAS, on July 14, 2005, the claims of 15 plaintiffs named in the *Adair* Complaint were severed for trial before Magistrate Judge Thomas J. Reuter, and after one of those 15 plaintiffs voluntarily dismissed his claim before the trial, the Magistrate Judge tried the claims of 14 plaintiffs and their spouses – Ernestine DiLoreto, Dennis Gallagher, Francis Walnut, Helen Peterman, Mary Castorani, Henry Geneva, Ruth Stringer, Howard Hansell, Thomas Yeager, Elihu Ginsberg, Vernon Horshaw, Theodore Botzum, Eugene Paul Endress and Robert Schieman (the “Severed *Adair* Plaintiffs”).

WHEREAS, all plaintiffs who remain as litigants in the *Adair*, *Albert* and *Doherty* actions, with the exception of the Severed *Adair* Plaintiffs, have either settled their claims with Unisys, assert claims that should have previously been dismissed, or are deceased;

**NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** among the parties by and through their undersigned counsel, subject to the approval of the Court, as follows:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A), the claims asserted in the following actions are hereby dismissed with prejudice except that such dismissals are without prejudice as to the plaintiffs in these actions who are also named as plaintiffs in either of the pending *Abersold* or *Aamodt* actions (and whose claims in those actions have not yet been dismissed):

*Romano, et al. v. Unisys Corp.*, No. 92-CV-6938

*Bennett, et al. v. Unisys Corp.*, No. 93-CV-1668

*Mercure, et al. v. Unisys Corp.*, No. 93-CV-3838

2. This stipulated dismissal of the *Romano*, *Bennett* and *Mercure* actions shall in no way affect Unisys' pending appeal of the judgment and relief entered in favor of 12 of the Severed *Adair* Plaintiffs.

3. This stipulated dismissal of the *Romano*, *Bennett* and *Mercure* actions shall not impair the claims of any individuals who are named as plaintiffs in any one of the pending *Abersold* or *Aamodt* actions.

4. Pursuant to Fed. R. Civ. P. 41(a)(1)(A), the following actions are hereby dismissed with prejudice:

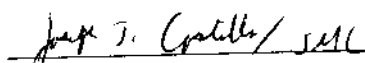
*Albert, et al. v. Unisys Corporation*, No. 04-CV-106

*Doherty, et al. v. Unisys Corporation*, No. 04-CV-107

5. Pursuant to Fed. R. Civ. P. 41(a)(1)(A), the claims of all plaintiffs in *Adair, et al. v. Unisys Corporation*, No. 03-CV-3924, with the exception of the Severed *Adair* Plaintiffs, are hereby dismissed with prejudice. This stipulated dismissal is made subject to and without prejudice to the judgment and relief entered in favor of 12 of the Severed *Adair* Plaintiffs, and shall not in any way affect Unisys' pending appeal of the judgment and relief entered in favor of 12 of the Severed *Adair* Plaintiffs.

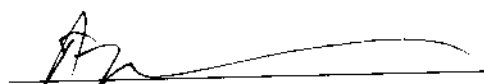
6. The Clerk of the Court is hereby directed to send a copy of this Stipulation and Order to the Clerk of the Judicial Panel on Multidistrict Litigation and also notify the Clerk of the Panel that all of the constituent actions which were transferred to this District by the Panel as part of the MDL No. 969 proceedings have been terminated in this District.

Dated: February 9, 2010

  
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Counsel for Plaintiffs

IT IS SO ORDERED THIS 16<sup>th</sup> DAY OF February, 2009.

BY THE COURT:

  
John R. Padova

J.